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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,780	11/26/2003	Richard T. Raines	023880-6	5086
22204	7590	12/31/2007	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			ZURITA, JAMES H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/721,780	RAINES ET AL.
	Examiner	Art Unit
	James H. Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) 1-51, 93-112 and 119-12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11, 52-92 and 113 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

On 20 June 2007, applicant amended claims 52, 55, 59, 60, 61, 64, 69, 75, 77, 79, 81, 84, 113, and 115.

Claims 1-125 are pending, of which claims 1-51, 93-112 and 119-125 are withdrawn from prosecution as being directed to non-elected invention.

Claims 52-92 and 113-118 will be examined; 52, 75 and 113 are independent.

Response to Arguments

Applicant's arguments of 20 June 2007 have been very carefully considered.

Additional comments concerning the Election/Restriction Requirement are noted.

The requirement remains Final.

Objections to the Drawings are withdrawn in view of amendment.

Applicant argues,

As explained during the interview, one aspect of the present invention is directed to a system and method for determining price adjustment values for vehicle history **attributes** (such as air bag deployment, accident record, types of title records, etc.) based on actual sale transaction records and vehicle history records. Page 33, emphasis added.

The discrepancies between the average transaction prices are analyzed using multivariate analysis in one embodiment to determine the price adjustment values for **each vehicle history attribute**, i.e. the dollar amount **each vehicle history attributes** [sic] impacted the price of the vehicle. Page 34, emphasis added.

However, nowhere in the cited Brown or Little references, or other references of record, is there any teaching as to how to determine what the price adjustment value is or should be for a given vehicle history attribute. Page 35, emphasis in original and added.

...and the discrepancies between the average transaction prices are analyzed to determine the price adjustment values for **each vehicle history attribute** (i.e. the dollar amount **each vehicle history attributes** impacted the price of the vehicle). Clearly, these limitations are not disclosed or even suggested by the prior art of record. Page 37. emphasis added.

The relevance of this supposed motivation is entirely unclear, and even when Brown and Little are combined in the manner suggested, they still fail to result in the present invention as claimed. The present invention provides **specific price adjustment** values for vehicle history attributes in the manner claimed. Page 38,

In response to these arguments, the limitations are not in the claims.

Claims 52, 75 and 113 are illustrated in Fig. 5,

step 51 (Obtain vehicle history datasets [plural] relating to a plurality of vehicles [plural]),
step 52 (obtain transaction records [plural] relating to sales transactions [plural] of the vehicles [plural])
step 59 (determine price adjustment values [plural] for the vehicle history attributes [plural]).

Claim 52 refers to vehicle history attributes **[plural]**. Applicant provides examples of these in Fig. 3 and in paragraphs 49-56 of the specifications.

Air Bag Deployed	Flood Damaged	Police Vehicle
Abandoned	Fleet Vehicle	Private Vehicle
Accident	Grey Market	Recall
Assembled	Gross Polluter	Rebuilt Vehicle Title
Auction Vehicle Offered	Government Vehicle	Rental Vehicle
Auction Vehicle Sold	Hail Damaged	Reported Stolen
Child Lien Added	Junk Title	Reported Veh.Damage
Child Lien Removed	Lien 1 Reported	Repossesed
Commercial Vehicle	Lien 2 Reported	Safety Insp. Failed
Cert. Pre-Owned Vehicle	Lease Vehicle	Safety Insp. Passed
Curbstoning	Lemon Law Vehicle	Salvaged Title
Crash Test Vehicle	New Owner	Taxi Vehicle
Damaged by Fire	Not Actual Mileage Title	Theft Recovery
Damage Disclosure	Non-Branded Buyback	Title Issued
Dismantled Title	Number of Owners	Title/Regist. Issued
Emissions Inspection Failed	Non-legal High Way	Total Loss
Emissions Inspect. Passed	Non Profit	Vehicle Repaired
First Owner	Odometer Actual	Vehicle Serviced
Fire Damaged	Odometer Rollback	
	Odometer Rollover	

Air bag deployment is but one example of vehicle history attributes **[plural]**:

[0057] Of course, the vehicle history attributes that are listed in Figure 3 and discussed above are merely examples and other vehicle history attributes may also be stored in the vehicle history database 30 as well. Preferably, the vehicle history attributes are **any data that may effect the price of the used vehicle**. This information may be retrieved,

processed and/or displayed in any desired manner, for example, retrieved and processed by the vehicle history report module 35 to create corresponding vehicle history reports for a particular VIN that can be displayed by the user interface module 42. {specifications, page 2, emphasis added0)

Applicant's disclosures use both the singular and plural forms. The elected claims refer to the generic "...vehicle history attributes **[plural]**..."

The elected claims do not refer to :

- "...price adjustment value **[singular]**..."
- "...for a **given** vehicle history attribute **[singular]**..."

In claim 91, "...each vehicle history attribute **[singular]**..." appears to be a typographical error, since all the claims, including claim 91, refer to "...said vehicle history attributes **[plural]**..."

Applicant argues, page 36,

Correspondingly, independent claim 52 specifically recites a method for adjusting a price of a used vehicle including obtaining a plurality of transactional records relating to sale transactions of a plurality of vehicles, each transaction record including at least one of a date and a transaction price, and determining [sic] price adjustment values for vehicle history attributes based on vehicle datasets that include vehicle history attributes, and the transaction records. [emphasis in original]

In Brown, please see the following, copied here for applicant's convenience:

Strategy: Selling information on used vehicles. Using identification numbers and data from state motor vehicle agencies, insurers and wholesale auto **auctions**, Carfax reports on whether the vehicle has been **wrecked, salvaged, damaged by flood or bought back by a manufacturer under state "lemon laws."** The service also can help identify whether a vehicle's **odometer** has been **rolled back.**, (emphasis added)

In Little, please see the following, copied here for applicant's convenience:

Go to www.carfax.com, follow the Order Report Now link, and enter the VIN and your credit card number to generate your report in moments. The report lists every title [Ex. transaction history records] issued for that vehicle, indicating whether the car was registered as a **private, commercial, or leased vehicle**. The report checks whether the car has ever been titled under any of the following conditions: salvage/junk rebuilt/reconstructed flood damaged manufacturer buyback (recalled) exceeding the mechanical limits of the odometer [Little, pages 5-6]

As to the Information Disclosure Statement of 20 December 2006, applicant's response is noted:

The Examiner further requested publication date for each **reference**, noting that date printed is not sufficient. Unfortunately, the documents are primarily print outs of web pages, and the applicants do not know when these web pages were first placed on the web for public access. The submitted documents were provided in fulfillment of the applicants' disclosure requirements under 37 C.F.R. 1.56 which requires disclosure of "other information".

For purposes of Examination, the terms known class and not known class are interpreted to refer to any attribute disclosed by a reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 52-56, 58-59, 62, 63, 75-80, 113-117, as interpreted, are rejected under 35 U.S.C. 102(a) as having been in use or on sale at least one year prior to applicant's filing date of 26 November 2003, as evidenced by Brown, Just How Used is That Used Car? The Washington Post, 18 August 1997 and Meredith Little, Buying and selling a car online, Mac@Home Louisville: Sep 1999. Vol.4, Iss. 9; pg. 4, 6 pgs, downloaded from the Internet on 10 December 2006.

As per claim 52, Brown discloses methods for adjusting a price of a used vehicle comprising the steps of:

- obtaining a plurality of vehicle history datasets (Brown, abstract, database, "...from a variety of databases") relating to a plurality of vehicles (Brown, abstract, 190 million "previously owned" vehicles), each of said datasets having vehicle history attributes regarding a particular vehicle (see, for example, Brown, abstract, pedigree, liens, wrecked, damaged by flood);
- obtaining a plurality of transactional records relating to sale transactions of a plurality of vehicles, each transaction record including at least one of a date (Little, Fig. F, carmax vehicle history details, first column, date reported; in Brown, see, for example, at least page 3, paragraph 23, which discloses transaction history relating to multiple owners; vehicle's vital history); and
- [determining] **calculating** price adjustment values for said vehicle history attributes based on said vehicle history datasets and said transaction records (see, for example, paragraph 21, and references to taking a **loss** (i.e., a price adjustment values using a car's history that reveals a vehicle history attribute such as rolled back odometer, as in applicant's Fig. 6, item 76,).

As per claim 53, Little discloses displaying said price adjustment values for said used vehicle. See Little, Figs. C and G.

As per claim 54, Little discloses obtaining a base price for said used vehicle from a used vehicle valuation service. In *Little*, see references to Edmunds, carfax.

As per claim 55, Little discloses adjusting said base price for said used vehicle based on said vehicle history attributes regarding said used vehicle using said

[determined] calculated price adjustment values. See Little, page 4, second to last paragraph.

As per claim 56, Little discloses displaying said adjusted base price for said vehicle. See, for example, *Little*, page 4, Fig. C.

As per claim 58, Brown discloses determining

- which sale transactions of said plurality of transaction records occurred with buyer's knowledge of said vehicle history attributes, and which sale transactions of said plurality of transaction records occurred without buyer's knowledge of said vehicle history attributes. See paragraph 20, page 3.

As per claim 59, Brown discloses that the step of [determining] ***calculation of*** price adjustment values for said vehicle history attributes [is attained] ***includes*** further based on whether sale transactions of said plurality of transaction records occurred with buyer's knowledge of said vehicle history attributes. See, for example, Brown, page 3, paragraph 23.

Claim 75 is rejected on the same grounds as claim 52.

Claim 76 is rejected on the same grounds as claim 53.

Claim 77 is rejected on the same grounds as claim 54.

Claim 78 is rejected on the same grounds as claim 55.

Claim 79 is rejected on the same grounds as claim 56.

Claim 80 is rejected on the same grounds as claim 58.

Claim 113 is rejected on the same grounds as claim 52.

Claim 114 is rejected on the same grounds as claim 54.

Claim 115 is rejected on the same grounds as claim 55.

Claim 116 is rejected on the same grounds as claim 56.

Claim 117 is rejected on the same grounds as claim 58.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 57, 60-61, 64-74, 81-92, 118, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Little.

Brown and Little **do not** specifically disclose details of storing adjustment values according to attributes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Brown and Little to disclose storing adjustment values according to attributes (claim 60) based on vehicle history (claim 61) according to whether a user is aware or not aware (claim 64), determining an average transaction price (claim 65), with parameters including at least one of mileage, color, location and options of said type of vehicle in said transaction records (claim 66), identifying at least one transaction record for said type of vehicle in said transaction records classified in said Known Class that have the same vehicle parameters (claim 67), calculating a price differential between transaction price associated with said at least one transaction record in said Known Class, and said determined average transaction price for said type of vehicle in said transaction records classified in said Not Known Class (claim 68) determining price adjustment values for said vehicle history

attributes is attained by attributing said price differential to said vehicle history attributes in said at least one transaction record in said Known Class (claim 69).

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Brown and Little to disclose storing adjustment values according to attributes (claim 60) based on vehicle history (claim 61) according to whether a user is aware or not aware (claim 64), determining an average transaction price (claim 65), with parameters including at least one of mileage, color, location and options of said type of vehicle in said transaction records (claim 66), identifying at least one transaction record for said type of vehicle in said transaction records classified in said Known Class that have the same vehicle parameters (claim 67), calculating a price differential between transaction price associated with said at least one transaction record in said Known Class, and said determined average transaction price for said type of vehicle in said transaction records classified in said Not Known Class (claim 68) determining price adjustment values for said vehicle history attributes is attained by attributing said price differential to said vehicle history attributes in said at least one transaction record in said Known Class (claim 69) for the obvious reason that a buyer may thus rely more on specific aspects of a used vehicle prior to purchase and feel more comfortable with his purchase.

Claims 62 and 63 are rejected on the same grounds as claim 58 and 60, above.

As per claim 71, Brown discloses Performing multivariate analysis to compute price adjustment values for said vehicle history attributes in said plurality of transaction records. *Brown*, paragraph 37.

Brown and Little do not specifically disclose that said at least one transaction record in said Known Class is a plurality of transaction records in said Known Class, and said method further includes determining price differentials between each of said plurality of transaction records in said Known Class and said determined average transaction price (claim 70), that the plurality of transaction records in said Known Class from which price differentials are determined are transaction records for the same type of vehicle having the same vehicle parameters as said transaction records classified in said Not Known Class from which said average transaction price is determined (claim 72) that transaction records classified in said Not Known Class are windowed to be within a predetermined time (claim 73) and that the window is not greater than one year of said at least one transaction record in said Known Class (claim 74).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Brown and Little to disclose that said at least one transaction record in said Known Class is a plurality of transaction records in said Known Class, and said method further includes determining price differentials between each of said plurality of transaction records in said Known Class and said determined average transaction price (claim 70), that the plurality of transaction records in said Known Class from which price differentials are determined are transaction records for the same type of vehicle having the same vehicle parameters as said transaction records classified in said Not Known Class from which said average transaction price is determined (claim 72) that transaction records classified in said Not Known Class are windowed to be within a predetermined time (claim 73) and that the window is not

greater than one year of said at least one transaction record in said Known Class (claim 74).

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Brown and Little to disclose that said at least one transaction record in said Known Class is a plurality of transaction records in said Known Class, and said method further includes determining price differentials between each of said plurality of transaction records in said Known Class and said determined average transaction price (claim 70), that the plurality of transaction records in said Known Class from which price differentials are determined are transaction records for the same type of vehicle having the same vehicle parameters as said transaction records classified in said Not Known Class from which said average transaction price is determined (claim 72) that transaction records classified in said Not Known Class are windowed to be within a predetermined time (claim 73) and that the window is not greater than one year of said at least one transaction record in said Known Class (claim 74)

for the obvious reason that varying the price of a used vehicle according to its characteristics permits a buyer to better evaluate whether he wants to buy the car or not, and if the used car had too many problems and because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Claim 81 is rejected on the same grounds as claim 64.

Claim 82 is rejected on the same grounds as claim 65.

Claim 83 is rejected on the same grounds as claim 66.

Claim 84 is rejected on the same grounds as claim 67.

Claim 85 is rejected on the same grounds as claim 70.

Claim 86 is rejected on the same grounds as claim 71.

Claim 87 is rejected on the same grounds as claim 72.

Claim 88 is rejected on the same grounds as claim 73.

Claim 89 is rejected on the same grounds as claim 53.

Claim 90 is rejected on the same grounds as claim 54.

Claim 91 is rejected on the same grounds as claim 55.

Claim 92 is rejected on the same grounds as claim 53.

Claim 118 is rejected on the same grounds as claim 71.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
25 December 2007

James Zurita
JAMES ZURITA
PRIMARY EXAMINER